



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 26, 1998

Mr. Jason C. Marshall  
Nichols, Jackson, Dillard, Hager & Smith  
1800 Lincoln Plaza  
500 North Akard  
Dallas, Texas 75201

OR98-0548

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112888.

The City of Coppell (the "city") received a request for documents pertaining to the sexual assault of a minor. You assert that the requested information is excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered your argument and have reviewed the information submitted.

The Office of the Attorney General will raise mandatory exceptions like section 552.101 on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987). Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The requested information is made confidential by section 261.201(a) of the Family Code which provides as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

- (2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Because the requested information involves charges of sexual assault against a minor, the records are within the scope of section 261.201 of the Family Code. You have not cited any specific rule that the city has adopted with regard to the release of this type of information; therefore, we assume that no such regulation exists. Given this assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 (1986) at 2 (predecessor statute). Accordingly, the city must withhold these records.<sup>1</sup> As we resolve your request under section 261.201 of the Family Code, we need not address your claim under section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref.: ID# 112888

Enclosures: Submitted documents

cc: Ms. Dianna Lynn Rumsey  
LMSW-ACP  
3511 N. Hall, Suite 112  
Dallas, Texas 75219  
(w/o enclosures)

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<sup>1</sup>We note that if the Texas Department of Regulatory Services has created a file on this alleged abuse, the child's parent(s) may have the statutory right to review that file. *See* Fam. Code § 261.201(f).